

Monsignor Donovan High School

Ocean County's Catholic High School

711 Hooper Avenue, Toms River, NJ 08753-7796 • 732-349-8801 • Fax: 732-349-8956

<http://www.mondonhs.com>

April 20, 2012

RE: CC Docket No. 02-6

To Whom It May Concern:

This letter is to request a waiver of the 60 day limit for filing an appeal. On November 3, 2011 a letter of appeal was mailed from Monsignor Donovan High School (MDHS) to the FCC to appeal an erate Administrator's Decision on an appeal that had been filed with the USAC. As indicated on the USAC website, the letter was mailed by USPS to: Marlene H. Dortch, Secretary, Federal Communications Commission, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

During the last week of March 2012, a Notice of Withholding of Action was sent to MDHS by the USAC. This notice indicated that our current 471 applications were being placed on hold due to the fact that we were delinquent in payment of a debt owed to the USAC.

When a decision on a debt owed to the USAC is under appeal, a Notice of Withholding of Action is usually not sent. Consequently, USAC support was contacted for an explanation. After several phone calls and emails it was discovered that the USAC had no record of the appeal that had been filed by MDHS with the FCC. MDHS was subsequently asked to provide confirmation that the appeal had been filed and accepted. As MDHS had received no communication from the FCC, the USAC suggested that MDHS contact Mr. James Bachtell at the FCC to obtain the necessary information.

Today, April 20, 2012, Mr. Bachtell indicated that he could find no record of the appeal that MDHS mailed to the FCC in November of 2011. Mr. Bachtell then suggested that MDHS re-submit the appeal using the online ECFS found on the FCC website. Further, since the original 60 day deadline for filing the appeal has now passed, he indicated that a waiver would be required in order to have the appeal accepted.

At this time, therefore, MDHS would like to request a waiver of the 60 day limit for filing an appeal, as the decision on this appeal will determine whether MDHS need pay a sum of \$37, 459.51 to the USAC. In addition, this waiver request is also being made due to the fact that the FCC cannot find any record of the original appeal filed by MDHS [Please note that the original appeal was filed (mailed) on time]. Furthermore, at no point in this process has MDHS been delinquent in providing information requested and as mentioned above, only became aware today (4/20/2012) that their appeal to the FCC was not on record.

Thank you in advance for your time and consideration in this matter.

Sincerely,

Brian T. Roche

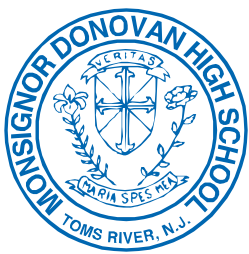
Director of Administrative Technology

Voice: 732-349-8801 ext. 2427

Fax: 732-505-8014

E-Mail: broche@mondonhs.com

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[Original letter of appeal mailed to the FCC on 11/3/2012]

November 3, 2011

RE: CC Docket No. 02-6
CC Docket No. 96-45

To Whom It May Concern:

I am writing this "Request for Review" to appeal the USAC Administrator's decision on a recent appeal made by Monsignor Donovan High School (MDHS). A copy of the original appeal is attached. MDHS is appealing the decision that the school be required to repay a total of \$37,459.51 in excess disbursements. Our applicant information and specific funding request information relevant to this appeal is as follows:

Applicant Name: Monsignor Donovan High School
BEN: 9468
FCC Registration #: 0012807152

Form 471 Application Number: 510516
Funding Request Numbers: 1482335, 1483777, 1482965, 1482613, 1483077

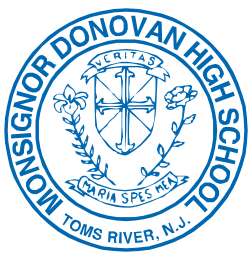
Form 471 Application Number: 550234
Funding Request Numbers: 1609690, 1618347, 1617030, 1609744, 1617951, 1616778

Form 471 Application Number: 620016
Funding Request Numbers: 1753830, 1754513, 1753928, 1747713, 1754042

Form 471 Application Number: 678078
Funding Request Numbers: 1857723, 1868888, 1868653, 1857552, 1868737

Please note that the Administrator's Decision regarding Funding Year 2010 – 2011 is not being appealed at this time. MDHS accepts the decision to reduce the commitment level for FY 2010. To date, no funds have been disbursed for this funding year. Hence, no repayment is necessary.

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The USAC Commitment Adjustment Letters received by MDHS for funding years 2006 through 2010 indicated that the "USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any)." Monsignor Donovan High School (MDHS) disputes the claim that they are responsible in any way for the error, and consequently, should not be held accountable nor forced to repay any funds. MDHS does not dispute the USAC finding that excess funds were disbursed. MDHS is appealing the USAC Administrator's decision because the essence of MDHS's original appeal was not addressed by the USAC.

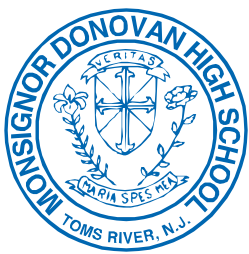
In the original appeal sent to the USAC, MDHS indicated that the error that led to excess disbursement of funds was caused by a problem in the USAC's online form submission tools. This problem was discovered by MDHS and reported to the USAC. MDHS requested an explanation for the error that led to excess funds being disbursed, but to date, no explanation has been given. The USAC has merely stated that excess funds were disbursed.

The USAC provides online tools to applicants in order to streamline and increase accuracy of submissions. When completing Block 4 of the form 471, applicants have been given access to a 'Discount Calculation Tool' by the USAC. This tool is used to calculate the discount percentage to which an applicant is entitled. Upon entering student population figures the USAC system automatically calculates the correct discount percentage and enters said figure on the form 471. The system then uses the figure it computed to determine the actual discount amount the applicant should receive. It should be noted that when using this tool, once the student population figures have been entered, an applicant does not have the ability to manually enter, nor manually override the discount percent computed by the system. It is now apparent that the USAC system assigned an incorrect discount percentage based on the figures entered by MDHS. This error was not evident at the time of submission.

After discovering a discrepancy in the USAC system during the 2010 and 2011 funding years, MDHS addressed these concerns with USAC support. This is documented in the original letter of appeal. Consequently, it is now evident that there was a problem/ flaw/ error in the USAC's online system and that this error was not evident at the time of the 471 applications for funding years 2006 through 2009. MDHS provided evidence of such error and consequently requested that they be relinquished of any and all blame/ fault in this matter (Copies of the Block 4 Discount Calculations computed by the USAC system are attached to the original appeal, attached to this document). In addition, due to the excessive burden that would be imposed on the school if required to repay such a large sum, something that is contrary to the purpose of the erate program, MDHS has requested forgiveness of said debt.

In sum, MDHS is of the opinion that the exact nature of their appeal to the USAC was not addressed. The appeal did not question the fact that excess funds were disbursed. Rather, it questioned the requirement that MDHS be held responsible. Furthermore, the cause of the error that led to excess disbursement of funds was not addressed, despite a request for an investigation by MDHS. The explanation provided by the USAC merely explains the amount that should have

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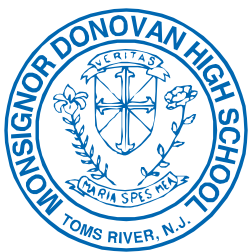
been disbursed. It does not address the reason the USAC's online system incorrectly awarded excess funds to MDHS. Additionally, as the funds referenced in this appeal have already been spent by MDHS to further the use of technology in the school, a primary goal of the erate program, the requirement to repay the amount of \$37,459.51 would inadvertently hurt the student body at MDHS and have a tremendously negative impact on the use of technology at the school. Consequently, we respectfully request that the USAC Administrator's Decision on our appeal be reversed and that MDHS not be required to repay any funds disbursed in error by the USAC for funding years 2006 through 2009.

Thank you in advance for your time and consideration in this matter.

Sincerely,

Brian T. Roche
Director of Administrative Technology
Voice: 732-349-8801 ext. 2427 Fax: 732-505-8014 E-Mail: broche@mondonhs.com

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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on appeal- Funding Year 2006-2007

September 15, 2011

Brian T. Roche
Monsignor Donovan High School
Ocean County's Catholic High School
711 Hooper Avenue
Toms River, NJ 08753-7796

Re: Applicant Name: MSGR DONOVAN HIGH SCHOOL
Billed Entity Number: 9468
Form 471 Application Number: 510516
Funding Request Number(s): 1482335, 1482613, 1482965, 1483077, 1483777
Your Correspondence Dated: June 17, 2011

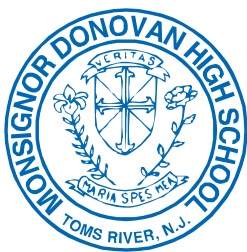
After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1482335, 1482613, 1482965, 1483077, 1483777
Decision on Appeal: **Denied**
Explanation:

- According to our records, on the original Form 471 the applicant was approved at a 40 percent discount rate. FCC rules indicate that the level of poverty shall be measured by the percentage of the student enrollment that is eligible for a free or reduced price lunch under the national school lunch program or a federally-approved alternative mechanism. During the course of review it was determined that the applicant is only eligible to receive a 20 percent discount rate. This determination was based on entity Monsignor Donovan High School discount calculation from Form 471 Block 4 Urban, Student Count: 980, NSLP Students: 9 is equal to 0.92% (9/980 is 0.009183673), resulting in a Discount Matrix For Entities, Urban 20% discount rate. Accordingly, the commitment has been reduced. You did not demonstrate in your appeal that the adjustment USAC

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made to your discount percentage was incorrect. Consequently, USAC denies your appeal.

- FCC Rules provide that the discount available to an applicant is determined by indicators of poverty and high cost. 47 C.F.R. sec. 54.505(b). The level of poverty is measured by the percentage of students enrolled in a school or school district who are eligible for a free or reduced price lunch under the National School Lunch Program, or a federally approved alternative mechanism. Alternatively, the level of poverty is measured according to participation in Medicaid, Food Stamps, Supplementary Security Income (SSI), Federal Public Housing Assistance or Section 8, or Low Income Home Energy Assistance Program (LIHEAP). See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9045, FCC 97-157 para. 510 n. 1334 (rel. May 8, 1997). The high cost determination is made pursuant to FCC Rules that classify a school or library as rural or urban. 47 C.F.R. sec. 54.505(b)(3). An applicant's discount rate is determined by reference to a matrix based upon the level of poverty and whether the entity is classified as rural or urban. 47 C.F.R. sec. 54.505(c).

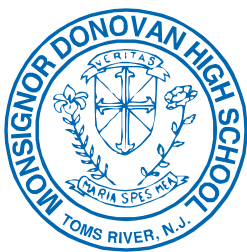
If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on appeal- Funding Year 2007-2008

September 16, 2011

Brian T. Roche
Monsignor Donovan High School
Ocean County's Catholic High School
711 Hooper Avenue
Toms River, NJ 08753-7796

Re: Applicant Name:	MSGR DONOVAN HIGH SCHOOL
Billed Entity Number:	9468
Form 471 Application Number:	550234
Funding Request Number(s):	1609690, 1609744, 1616778, 1617030, 1617951, 1618347
Your Correspondence Dated:	June 17, 2011

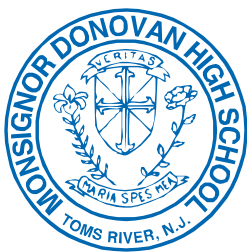
After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2007 Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1609690, 1609744, 1616778, 1617030, 1617951, 1618347
Decision on Appeal: **Denied**
Explanation:

- According to our records, on the original Form 471 the applicant was approved at a 40 percent discount rate. FCC rules indicate that the level of poverty shall be measured by the percentage of the student enrollment that is eligible for a free or reduced price lunch under the national school lunch program or a federally-approved alternative mechanism. During the course of review it was determined that the applicant is only eligible to receive a 20 percent discount rate. This determination was based on entity Monsignor Donovan High School discount calculation from Form 471 Block 4 Urban, Student Count: 982, NSLP Students: 5 is equal to 0.51% (5/982 is 0.00509165), resulting in a Discount Matrix For Entities, Urban 20% discount rate. Accordingly, the commitment has been reduced. You did not demonstrate in your appeal that the adjustment USAC

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made to your discount percentage was incorrect. Consequently, USAC denies your appeal.

- FCC rules provide that the discount available to an applicant is determined by indicators of poverty and high cost. See 47 C.F.R. sec. 54.505(b). The level of poverty is measured by the percentage of students enrolled in a school or school district who are eligible for a free or reduced price lunch under the National School Lunch Program (NSLP), or a federally approved alternative mechanism. Alternatively, the level of poverty is measured according to participation in Medicaid, Food Stamps, Supplementary Security Income (SSI), Federal Public Housing Assistance or Section 8, or Low Income Home Energy Assistance Program (LIHEAP). See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9045, FCC 97-157 para. 510 n. 1334 (rel. May 8, 1997). The high cost determination is made pursuant to FCC rules that classify a school or library as rural or urban. See 47 C.F.R. sec. 54.505(b)(3). An applicant's discount rate is determined by reference to a matrix based upon the level of poverty and whether the entity is classified as rural or urban. See 47 C.F.R. sec. 54.505(c).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on appeal- Funding Year 2008-2009

September 15, 2011

Brian T. Roche
Monsignor Donovan High School
Ocean County's Catholic High School
711 Hooper Avenue
Toms River, NJ 08753-7796

Re: Applicant Name: MSGR DONOVAN HIGH SCHOOL
Billed Entity Number: 9468
Form 471 Application Number: 620016
Funding Request Number(s): 1747713, 1753830, 1753928, 1754042, 1754513
Your Correspondence Dated: June 17, 2011

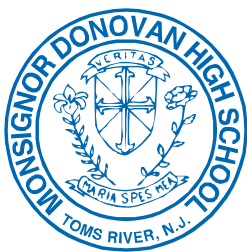
After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2008 Notification of Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1747713, 1753830, 1753928, 1754042, 1754513
Decision on Appeal: **Denied**
Explanation:

- According to our records, on the original Form 471 the applicant was approved at a 40 percent discount rate. FCC rules indicate that the level of poverty shall be measured by the percentage of the student enrollment that is eligible for a free or reduced price lunch under the national school lunch program or a federally approved alternative mechanism. During the course of review it was determined that the applicant is only eligible to receive a 20 percent discount rate. This determination was based on entity Monsignor Donovan High School discount calculation from Form 471 Block 4 Urban, Student Count: 976, NSLP Students: 6 is equal to 0.61 % (6/976 is 0.006147541), resulting in a Discount Matrix For Entities, Urban 20% discount rate. Accordingly, the commitment has been reduced. You did not demonstrate in your appeal that the adjustment USAC made

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to your discount percentage was incorrect. Consequently, USAC denies your appeal.

- FCC rules provide that the discount available to an applicant is determined by indicators of poverty and high cost. *See* 47 C.F.R. sec. 54.505(b). The level of poverty is measured by the percentage of students enrolled in a school or school district that are eligible for a free or reduced price lunch under the National School Lunch Program (NSLP), or a federally-approved alternative mechanism. Alternatively, the level of poverty is measured according to participation in Medicaid, Food Stamps, Supplementary Security Income (SSI), Federal Public Housing Assistance or Section 8, or Low Income Home Energy Assistance Program (LIHEAP). *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9045, FCC 97-157 para. 510 n.1334 (reI. May 8, 1997). The high cost determination is made pursuant to FCC rules that classify a school or library as rural or urban. *See* 47 C.F.R. sec. 54.505(b)(3). An applicant's discount rate is determined by reference to a matrix based upon the level of poverty and whether the entity is classified as rural or urban. *See* 47 C.F.R. sec. 54.505(c).

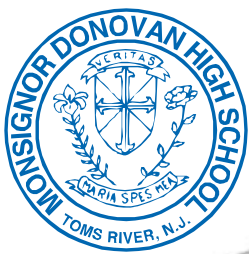
If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on appeal- Funding Year 2009-2010

September 16, 2011

Brian T. Roche
Monsignor Donovan High School
Ocean County's Catholic High School
711 Hooper Avenue
Toms River, NJ 08753-7796

Re: Applicant Name:	MSGR DONOVAN HIGH SCHOOL
Billed Entity Number:	9468
Form 471 Application Number:	678078
Funding Request Number(s):	1857552, 1857723, 1868653, 1868737, 1868888
Your Correspondence Dated:	June 17, 2011

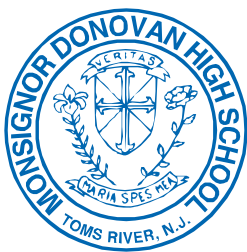
After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2009 Notification of Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s):	1857552, 1857723, 1868653, 1868737, 1868888
Decision on Appeal:	Denied
Explanation:	

- According to our records, on the original Form 471 the applicant was approved at a 40 percent discount rate. FCC rules indicate that the level of poverty shall be measured by the percentage of the student enrollment that is eligible for a free or reduced price lunch under the national school lunch program or a federally approved alternative mechanism. During the course of review it was determined that the applicant is only eligible to receive a 20 percent discount rate. This determination was based on entity Monsignor Donovan High School discount calculation from Form 471 Block 4 Urban, Student Count: 945, NSLP Students: 7 is equal to 0.74% (7/945 is 0.007407407), resulting in a Discount Matrix For Entities, Urban 20% discount rate. Accordingly, the commitment has been reduced. You did not demonstrate in your appeal that the adjustment USAC made

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to your discount percentage was incorrect. Consequently, USAC denies your appeal.

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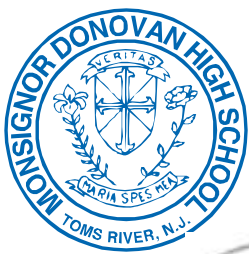
If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

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Ocean County's Catholic High School

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Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal- Funding Year 2010-2011

September 15, 2011

Brian T. Roche
Monsignor Donovan High School
Ocean County's Catholic High School
711 Hooper Avenue
Toms River, NJ 08753-7796

Re: Applicant Name:	MSGR DONOVAN HIGH SCHOOL
Billed Entity Number:	9468
Form 471 Application Number:	716834
Funding Request Number(s):	1998728, 2031169, 2031220, 2057112
Your Correspondence Dated:	June 17, 2011

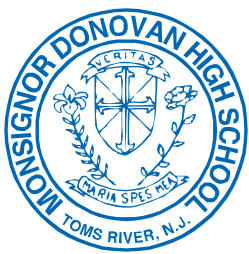
After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2010 Notification of Commitment Adjustment Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s):	1998728, 2031169, 2031220, 2057112
Decision on Appeal:	Denied
Explanation:	

- According to our records, on the original Form 471 the applicant was approved at a 40 percent discount rate. FCC rules indicate that the level of poverty shall be measured by the percentage of the student enrollment that is eligible for a free or reduced price lunch under the national school lunch program or a federally approved alternative mechanism. During the course of review it was determined that the applicant is only eligible to receive a 20 percent discount rate. This determination was based on entity Monsignor Donovan High School discount calculation from documentation submitted on April 15, 2011. Student Count: 891, NSLP Students: 7 is equal to 0.79% (7/891 is 0.007856), resulting in a Discount Matrix for Entities, Urban 20% discount rate. Accordingly, the commitment has been reduced. You did not demonstrate in your appeal that the adjustment USAC

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made to your discount percentage was incorrect. Consequently, USAC denies your appeal.

- FCC rules provide that the discount available to an applicant is determined by indicators of poverty and high cost. *See* 47 C.F.R. sec. 54.505(b). The level of poverty is measured by the percentage of students enrolled in a school or school district that are eligible for a free or reduced price lunch under the National School Lunch Program (NSLP), or a federally-approved alternative mechanism. Alternatively, the level of poverty is measured according to participation in Medicaid, Food Stamps, Supplementary Security Income (SSI), Federal Public Housing Assistance or Section 8, or Low Income Home Energy Assistance Program (LIHEAP). *See* Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9045, FCC 97-157 para. 510, n.1334 (reI. May 8, 1997). The high cost determination is made pursuant to FCC rules that classify a school or library as rural or urban. *See* 47 C.F.R. sec. 54.505(b)(3). An applicant's discount rate is determined by reference to a matrix based upon the level of poverty and whether the entity is classified as rural or urban. *See* 47 C.F.R. sec. 54.505(c).

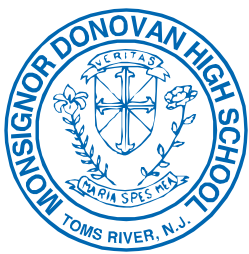
If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

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June 17, 2011

[Original appeal filed with USAC]

Dear Sir or Madam,

This letter is an appeal of the Notification of Commitment Adjustment Letters (FY 2006, 2007, 2008, 2009 and 2010) dated April 28, 2011 sent to Monsignor Donovan High School. Our applicant information and specific funding request information relevant to this appeal is as follows:

FY 2006: Form 471 Application Number: 510516
Applicant Name: Msgr. Donovan High School
BEN: 9468
Applicant's Form Identifier: MD4710607
FCC Registration #: 0012807152

FRN # 1482335
Service Provider: Verizon New Jersey Inc.
SPIN: 143001362

FRN # 1483777
Service Provider: Seacliff Associates, LLC
SPIN: 143028209

FRN # 1482965
Service Provider: Metro Connect Inc.
SPIN: 143006152

FRN # 1482613
Service Provider: Nextel Communications
SPIN: 143000904

FY 2007: Form 471 Application Number: 550234
Applicant Name: Msgr. Donovan High School
BEN: 9468
Applicant's Form Identifier: MD471-0708
FCC Registration #: 0012807152

FRN # 1609690
Service Provider: Verizon New Jersey Inc.
SPIN: 143001362

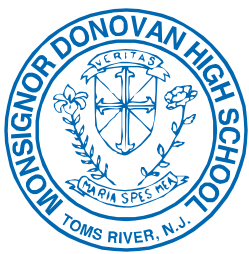
FRN # 1618347
Service Provider: Seacliff Associates, LLC
SPIN: 143028209

FRN # 1617030
Service Provider: Metro Connect Inc.
SPIN: 143006152

FRN # 1609744
Service Provider: Nextel Communications
SPIN: 143000904

FRN # 1617951
Service Provider: Monmouth Internet Corporation
SPIN: 143011335

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FY 2008: Form 471 Application Number: 620016
Applicant Name: Msgr. Donovan High School
BEN: 9468
Applicant's Form Identifier: MD471-0809
FCC Registration #: 0012807152

FRN # 1753830
Service Provider: Verizon New Jersey Inc.
SPIN: 143001362

FRN # 1754513
Service Provider: Seacliff Associates, LLC
SPIN: 143028209

FRN # 1753928
Service Provider: Metro Connect Inc.
SPIN: 143006152

FRN # 1747713
Service Provider: Nextel Communications
SPIN: 143000904

FRN # 1754042
Service Provider: Monmouth Internet Corporation
SPIN: 143011335

FY 2009: Form 471 Application Number: 678078
Applicant Name: Msgr. Donovan High School
BEN: 9468
Applicant's Form Identifier: MD471-0910
FCC Registration #: 0012807152

FRN # 1857723
Service Provider: Verizon New Jersey Inc.
SPIN: 143001362

FRN # 1868888
Service Provider: Seacliff Associates, LLC
SPIN: 143028209

FRN # 1868653
Service Provider: Metro Connect Inc.
SPIN: 143006152

FRN # 1857552
Service Provider: Nextel Communications
SPIN: 143000904

FRN # 1868737
Service Provider: Monmouth Internet Corporation
SPIN: 143011335

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FY 2010: Form 471 Application Number: 716834
Applicant Name: Msgr. Donovan High School
BEN: 9468
Applicant's Form Identifier: MD471-1011
FCC Registration #: 0012807152

FRN # 2031169
Service Provider: Verizon Online LLC
SPIN: 143026397

FRN # 2057112
Service Provider: Seacliff Associates, LLC
SPIN: 143028209

FRN # 1998728
Service Provider: Nextel Communications
SPIN: 143000904

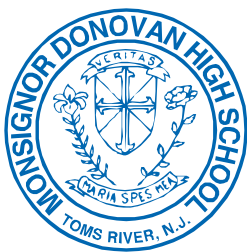
FRN # 2031220
Service Provider: Monmouth Internet Corp.
SPIN: 143011335

The Commitment Adjustment Letters indicate that the "USAC has determined the applicant is responsible for all or some of the violations. Therefore, the applicant is responsible to repay all or some of the funds disbursed in error (if any)". Monsignor Donovan High School (MDHS) disputes the claim that they are responsible, in any way, for the error and consequently, should not be held accountable nor forced to repay any funds.

During the process of completing the form 471 for funding year 2011, MDHS discovered a problem with the online discount calculation tool provided by the USAC. In a phone call to support on March 9, 2011, MDHS brought this problem to the attention of the USAC (Case #22-187857). As a result of this phone call it was determined that in prior years excess funds were committed to MDHS *as a result of an error in the USAC's online form submission tools*. At this time it was also noted that MDHS had previously notified the USAC of a concern with the online tools during a call to support on January 11, 2010 (Case# 21-986308). This call outlined a perceived error in using the online Discount Calculation Tool. Having entered enrollment and NSLP figures of 891 and 7 for FY 2010, MDHS was given a discount level of 20%, despite the fact that in previous years, when the percentage of NSLP students was lower, we had been given a 40% discount. The support person (Caitlin) indicated that MDHS *should* receive a 40% discount based on the figures entered and that *she did not know why the system was incorrectly calculating the discount level*. Caitlin indicated that MDHS should manually enter a discount percentage of 40% because there was something wrong with the system and that she would note such instruction in our file.

As a result of the call to support on March 9, 2011, at the request of MDHS an investigation was initiated by USAC to determine the cause of the problem/error. The commitment adjustment letters received by MDHS do not indicate the cause of the error in the USAC's system. In fact,

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they do not even recognize the system error. Rather, they suggest that MDHS is responsible for the mistake in the original funding commitment decision, and that MDHS must consequently repay the excess amounts disbursed. MDHS disputes the suggestion they bear fault in this matter, and consequently disputes the necessity for MDHS to repay any funds previously disbursed in error by the USAC.

The USAC has provided several online tools for applicants to use when submitting their form 471. The purpose of these tools is to save time, improve accuracy and increase the overall efficiency of submissions. Use of these tools by an applicant negates the necessity to manually reference tables. It further removes the need to do manual computations, as there is an inherent acceptance/belief that the USAC's form submission tools are more accurate. When completing and submitting the form 471 for each funding year in question, MDHS used the USAC's online form submission tools. Specifically related to the problem that caused excess funds to be disbursed, MDHS used the USAC's online Discount Calculation Tool to compute the discount percentage for each FRN.

Attached to this document are copies of the block 4 worksheets used by MDHS for each funding year in question. It should be noted that when an applicant enters student count and NSLP student figures for items 4 and 5, the remainder of the worksheet is computed and populated automatically. It is not possible for the applicant to manually enter the discount level in item 7. Consequently, it is clear that for funding years 2006, 2007, 2008 and 2009, MDHS did nothing wrong and that the error was caused in its entirety by a problem/error in the USAC's system. To date, the cause of this error has not been addressed by the USAC. However, there is no fault on the part of MDHS for the error. For funding year 2010, the discount level of 40% was entered manually by MDHS at the direction of USAC support, as documented above. Therefore, MDHS once again, bears no fault for this error. MDHS does recognize at this point that for FY 2010, incorrect information was provided by USAC support and that a discount level of 20% should have been assigned. MDHS *will not* seek to be reimbursed at the 40% level for FY 2010.

In addition to the system error highlighted above, MDHS would also like to point out that for each funding year in question, the form 471's submitted by MDHS were reviewed, and subsequently approved by the Program Integrity Assurance team. One function of the PIA team is to ensure accuracy of submissions and to ensure program integrity. All FRN's in question were approved as submitted by the PIA team. This, in essence, indicates that there was no fault on the part of MDHS and suggests that if there were an error that it was made by the USAC.

Furthermore, for each funding year in question, the USAC provided MDHS with a Funding Commitment Decision Letter (FCDL), copies of which I'm sure are on file, approving the form 471's as submitted. For each FRN in question, these FCDL's clearly state the following: "Discount Percentage Approved by the USAC: 40%".

In summary, it is clear from the explanation provided in the Notification of Commitment Adjustment Letters (FY 2006, 2007, 2008, 2009 and 2010) dated April 28, 2011 sent to

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Monsignor Donovan High School, that an error was made. MDHS recognizes the error and understands that excess funds were committed, and in some cases disbursed. However, MDHS denies any responsibility for the error. MDHS followed all program rules when submitting the FRN's in question and in so doing, placed their trust in the USAC's online form submission tools. It would seem inappropriate now for that trust to be invalidated.

In addition, the funds disbursed to date have already been spent by MDHS to support and/or improve the use of technology in the school. As this is one of the primary goals of the erate program, it would now cause an undue burden on the school if MDHS were required to repay any funds. Such an imposition would disrupt technology use at the school for several years, which would be completely contrary to the goals of the erate program.

Finally, MDHS does not believe that it should be held accountable for an error in the USAC's system that to date has not been explained. MDHS brought the error to the attention of the USAC and asked for an investigation. Instead of identifying the cause of the USAC system error, the investigation merely concluded that the figures were inaccurate. There is no evidence that MDHS did not follow program rules. Nor is there any evidence to suggest that MDHS is responsible for the disbursement of excess funds (If it were, would they have requested an investigation?). Consequently, MDHS asks for a just decision: that it be absolved of any blame/fault in this matter and that it not be held accountable either in word, or financially for an error made by the USAC and subsequently approved by the PIA team.

I thank you in advance for your time in consideration of this appeal. I look forward to an amicable result for Monsignor Donovan High School that supports the goals of the erate program and that does not impose an unjust penalty.

Sincerely,

Brian T. Roche

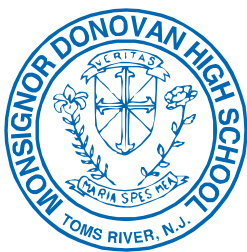
Director of Administrative Technology

Voice: 732-349-8801 ext. 2427

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E-Mail: broche@mondonhs.com

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471 Application No: 510516

Funding Year: 7/1/2006 - 6/30/2007

Cert. Postmark Date: 02/16/2006

Form Status: **CERTIFIED - In Window**

RAL Date: 02/24/2006

Out of Window Letter Date: Not applicable

Block 4: Worksheets

Worksheet A No: 803787

Student Count: 980

Shared Discount: N/A

Weighted Product (Sum, Column 8): 392

1. School Name: MSGR DONOVAN HIGH SCHOOL

2. Entity Number: 9468

NCES: 00 86745 80000

3. Rural/Urban: Urban

4. Student Count: 980

7. Discount: 40%

9. Pre-K/Adult Ed/Juv: N

Worksheet A No: 805282

Weighted Product (Sum, Column 8): 392

5. NSLP Students: 9

8. Weighted Product: 392

10. Alt Disc Mech: N

Student Count: 980

6. NSLP Students/Students: 0.918%

Shared Discount: N/A

1. School Name: MSGR DONOVAN HIGH SCHOOL

2. Entity Number: 9468

NCES: 00 86745 80000

3. Rural/Urban: Urban

4. Student Count: 980

7. Discount: 40%

9. Pre-K/Adult Ed/Juv: N

5. NSLP Students: 9

8. Weighted Product: 392

10. Alt Disc Mech: N

6. NSLP Students/Students: 0.918%

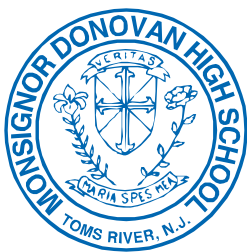
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* Item #7: 40% assigned by USAC system automatically.
This figure cannot be entered manually by
applicant.

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471 Application No: 550234 Funding Year: 7/1/2007 - 6/30/2008 Cert. Postmark Date: 02/08/2007
Form Status: **CERTIFIED - In Window** RAL Date: 02/20/2007
Out of Window Letter Date: Not applicable

Block 4: Worksheets

Worksheet A No: 845620 Student Count: 982
Weighted Product (Sum. Column B): 392.8 Shared Discount: N/A

1. School Name: MSGR DONOVAN HIGH SCHOOL
2. Entity Number: 9468 NCES: 00 86745 80000
3. Rural/Urban: Urban
4. Student Count: 982 5. NSLP Students: 5 6. NSLP Students/Students: 0.509%
7. Discount: 40% 8. Weighted Product: 392.8
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

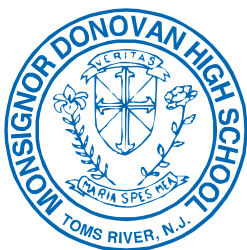
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471 Application No: 620016

Funding Year: 7/1/2008 - 6/30/2009

Cert. Postmark Date: 02/07/2008

Form Status: **CERTIFIED - In Window**

RAL Date: 02/13/2008

Out of Window Letter Date: Not applicable

Block 4: Worksheets

Worksheet A No: 092623

Student Count: 976

Weighted Product (Sum. Column 8): 390.4

Shared Discount: N/A

1. School Name: MSGR DONOVAN HIGH SCHOOL

2. Entity Number: 9468

NCES: 00 86745 80000

3. Rural/Urban: Urban

4. Student Count: 976

5. NSLP Students: 6

6. NSLP Students/Students: 0.614%

7. Discount: 40%

8. Weighted Product: 390.4

9. Pre-K/Adult Ed/Juv: N

10. Alt Disc Mech: N

Worksheet A No: 092640

Student Count: 976

Weighted Product (Sum. Column 8): 390.4

Shared Discount: N/A

1. School Name: MSGR DONOVAN HIGH SCHOOL

2. Entity Number: 9468

NCES: 00 86745 80000

3. Rural/Urban: Urban

4. Student Count: 976

5. NSLP Students: 6

6. NSLP Students/Students: 0.614%

7. Discount: 40%

8. Weighted Product: 390.4

9. Pre-K/Adult Ed/Juv: N

10. Alt Disc Mech: N

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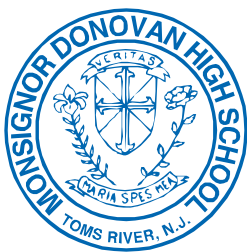
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Item #7: 40% assigned automatically by USAC system.

Applicant cannot manually enter this figure.

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471 Application No: 678078

Funding Year: 7/1/2009 - 6/30/2010

Cert. Postmark Date: 02/11/2009

Form Status: **CERTIFIED - In Window**

RAL Date: 02/18/2009

Out of Window Letter Date: Not applicable

Block 4: Worksheets

Worksheet A No: 1100085

Student Count: 945

Weighted Product (Sum, Column 8): 378

Shared Discount: N/A

1. School Name: MSGR DONOVAN HIGH SCHOOL

2. Entity Number: 9488

NCES: 00 86745 8

3. Rural/Urban: Urban

4. Student Count: 945

5. NSLP Students: 7

6. NSLP Students/Students: 0.740%

7. Discount: 40%

8. Weighted Product: 378

9. Pre-K/Adult Ed/Juv: N

10. Alt Disc Mech: N

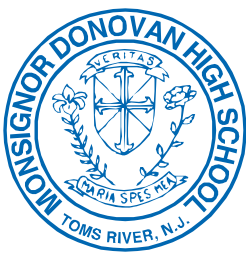
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471 Application No: 716634 Funding Year: 7/1/2010 - 6/30/2011 Cert. Postmark Date: 02/17/2010
Form Status: CERTIFIED - In Window RAL Date: 02/23/2010
Out of Window Letter Date: Not applicable

Block 4: Worksheets

Worksheet A No: 1208189 Student Count: 0 Shared Discount: N/A
Weighted Product (Sum. Column B): 0

1. School Name: MSGR DONOVAN HIGH SCHOOL
2. Entity Number: 9468 NCES: 00 86745 80000
3. Rural/Urban: Urban
4. Student Count: 0 5. NSLP Students: 0 6. NSLP Students/Students:
7. Discount: 40% 8. Weighted Product: 0
9. Pre-K/Adult Ed/Juv: N 10. Alt Disc Mech: N

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